

SECOND REGULAR SESSION
[CORRECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 894
90TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Related Matters, April 26, 2000, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 894 Do Pass.

ANNE C. WALKER, Chief Clerk

4095L.06C

AN ACT

To repeal sections 53.135, 71.285, 140.110, 141.220, 141.540 and 141.610, RSMo 1994, sections 67.410, 82.300, 92.031, 139.053, 140.160 and 260.210, RSMo Supp. 1999, section 141.550 as enacted by house bills nos. 977 and 1608 of the second regular session of the eighty-ninth general assembly and section 141.550 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, relating to property ownership, and to enact in lieu thereof fifteen new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 53.135, 71.285, 140.110, 141.220, 141.540 and 141.610, RSMo 1994, sections 67.410, 82.300, 92.031, 139.053, 140.160 and 260.210, RSMo Supp. 1999, section 141.550 as enacted by house bills nos. 977 and 1608 of the second regular session of the eighty-ninth general assembly and section 141.550 as enacted by senate bill no. 778 of the second regular session of the eighty-ninth general assembly, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 53.135, 67.410, 71.285, 82.300, 92.031, 100.331, 137.721, 139.053, 140.110, 140.160, 141.220, 141.540, 141.550, 141.610 and 260.210, to read as follows:

53.135. The county assessor in counties of the third and fourth [classes] **classification** shall be allowed a reimbursement for actual and necessary travel expenses incurred in the performance of his **or her** official duties within the county at the rate [of fifteen cents per mile] **allowed pursuant to subsection 10 of section 50.333, RSMo**, payable monthly upon the filing of a statement by the assessor with the county commission showing the actual and necessary miles traveled during the month, [except that the total reimbursement received by any assessor in one year shall not exceed two thousand two hundred fifty dollars,] to be paid out of the county treasury.

67.410. 1. Except as provided in subsection 3 of this section, any ordinance enacted pursuant to section 67.400, shall:

(1) Set forth those conditions detrimental to the health, safety or welfare of the residents of the city,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

town, village, or county the existence of which constitutes a nuisance;

(2) Provide for duties of inspectors with regard to such buildings or structures and shall provide for duties of the building commissioner or designated officer or officers to supervise all inspectors and to hold hearings regarding such buildings or structures;

(3) Provide for service of adequate notice of the declaration of nuisance, which notice shall specify that the property is to be vacated, if such be the case, reconditioned or removed, listing a reasonable time for commencement; and may provide that such notice be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service, then service may be had by publication. The ordinances shall further provide that the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the building or structure as shown by the land records of the recorder of deeds of the county wherein the land is located shall be made parties;

(4) Provide that upon failure to commence work of reconditioning or demolition within the time specified or upon failure to proceed continuously with the work without unnecessary delay, the building commissioner or designated officer or officers shall call and have a full and adequate hearing upon the matter, giving the affected parties at least ten days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearings, if the evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, the building commissioner or designated officer or officers shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of the city, town, village, or county and ordering the building or structure to be demolished and removed, or repaired. If the evidence does not support a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of the city, town, village, or county, no order shall be issued;

(5) Provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the city collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the city, town, village, or county and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in sections 429.010 to 429.360, RSMo. Except as provided in subsection 3 of this section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. **A city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county, notwithstanding any charter provision to the contrary, may, by ordinance, provide that upon determination by the city that a public benefit will be gained, the city may discharge the special tax bill, including the costs of tax collection, accrued interest and attorneys fees, if any.**

2. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, the ordinance may establish a procedure for the payment of up to twenty-five percent of the insurance proceeds, as set forth in this subsection. The order or ordinance shall apply only to a covered

claim payment which is in excess of fifty percent of the face value of the policy covering a building or other structure:

(1) The insurer shall withhold from the covered claim payment up to twenty-five percent of the covered claim payment, and shall pay such moneys to the city to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the order or ordinance;

(2) The city or county shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (1) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty days after receipt of such insurance moneys, unless the city or county has instituted legal proceedings under the provisions of subdivision (5) of subsection 1 of this section. If the city or county has proceeded under the provisions of subdivision (5) of subsection 1 of this section, all moneys in excess of that necessary to comply with the provisions of subdivision (5) of subsection 1 of this section for the removal, securing, repair and cleanup of the building or structure, and the lot on which it is located, less salvage value, shall be paid to the insured;

(3) If there are no proceeds of any insurance policy as set forth in this subsection, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from date of its issuance shall be a lien on the property until paid;

(4) This subsection shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures;

(5) This subsection does not make the city or county a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

3. The governing body of any city not within a county and the governing body of any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact their own ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2 of this section.

4. Notwithstanding the provisions of section 82.300, RSMo, any city may prescribe and enforce and collect fines and penalties for a breach of any ordinance enacted pursuant to section 67.400 or this section and to punish the violation of such ordinance by a fine or imprisonment, or by both fine and imprisonment. Such fine may not exceed one thousand dollars, unless the owner of the property is not also a resident of the property, then such fine may not exceed two thousand dollars.

5. The ordinance may also provide that a city not within a county or a city with a population of at least three hundred fifty thousand located in more than one county may seek to recover the cost of demolition prior to the occurrence of demolition, as described in this subsection. The ordinance may provide that if the building commissioner or other designated officer or officers issue an order whereby the building or structure is ordered to be demolished, secured or repaired, and the owner has been given an opportunity for a hearing to contest such order, then the building commissioner or other designated officer or officers may solicit no less than two independent bids for such demolition work. The amount of the lowest bid, including offset for salvage value, if any, plus reasonable anticipated costs of collection, including attorney's fees, shall be certified to the city clerk or officer in charge of finance, who shall cause a special tax bill to be issued against the property owner to be prepared and collected by the city collector or other official collecting taxes. The municipal clerk or other officer in charge of finance shall discharge the special tax bill upon documentation by the property owner of the completion of the ordered repair or demolition

work. Upon determination by the municipal clerk or other officer in charge of finance that a public benefit is secured prior to payment of the special tax bill, the municipal clerk or other officer in charge of finance may discharge the special tax bill upon the transfer of the property. The payment of the special tax bill shall be held in an interest-bearing account. Upon full payment of the special tax bill, the building commissioner or other designated officer or officers shall, within one hundred twenty days thereafter, cause the ordered work to be completed, and certify the actual cost thereof, including the cost of tax bill collection and attorney's fees, to the city clerk or other officer in charge of finance who shall, if the actual cost differs from the paid amount by greater than two percent of the paid amount, refund the excess payment, if any, to the payor, or if the actual amount is greater, cause a special tax bill or assessment for the difference against the property to be prepared and collected by the city collector or other official collecting taxes. If the building commissioner or other designated officer or officers shall not, within one hundred twenty days after full payment, cause the ordered work to be completed, then the full amount of the payment, plus interest, shall be repaid to the payor. Except as provided in subsection 2 of this section, at the request of the taxpayer the tax bill for the difference may be paid in installments over a period of not more than ten years. The tax bill for the difference from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

71.285. 1. Whenever weeds **or trash**, in violation of an ordinance, are allowed to grow **or accumulate, as the case may be**, on any part of any lot or ground within any city, town or village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The marshal or other city official as designated in such ordinance shall give a hearing after ten days' notice thereof, either personally or by United States mail to the owner or owners, or his or their agents, or by posting such notice on the premises; thereupon, the marshal or other designated city official may declare the weeds **or trash** to be a nuisance and order the same to be abated within five days; and in case the weeds **or trash** are not [cut down and] removed within the five days, the marshal or other designated city official shall have the weeds [cut down and] **or trash** removed, and shall certify the costs of same to the city clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the collector on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per annum. Notwithstanding the time limitations of this section, any city, town or village located in a county of the first classification may hold the hearing provided in this section four days after notice is sent or posted, and may order at the hearing that the weeds **or trash** shall be abated within five business days after the hearing and if such weeds **or trash** are not [cut down and] removed within five business days after the hearing, the order shall allow the city to immediately remove the weeds **or trash** pursuant to this section. Except for lands owned by a public utility, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad, the department of transportation, the department of natural resources or the department of conservation, the provisions of this subsection shall not apply to any city with a population of at least seventy thousand inhabitants which is located in a county of the first classification with a population of less than one hundred thousand inhabitants which adjoins a county with a population of less than one hundred thousand inhabitants that contains part of a city with a population of three hundred fifty thousand or more inhabitants, any city

with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, or any city, town or village located within a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, or any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, or the city of St. Louis, where such city, town or village establishes its own procedures for abatement of weeds **or trash**, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, **or if trash is allowed to accumulate**, on the same property in violation of an ordinance more than once during the same growing season **in the case of weeds, or more than once during a calendar year in the case of trash**, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the city of St. Louis or in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the marshal or other designated city official may order that the weeds **or trash** be abated within five business days after notice is sent to or posted on the property. In case the weeds **or trash** are not [cut down and] removed within the five days, the marshal or other designated city official may have the weeds [cut down and] **or trash** removed and the cost of the same shall be billed in the manner described in subsection 1 of this section.

3. If weeds are allowed to grow, **or if trash is allowed to accumulate**, on the same property in violation of an ordinance more than once during the same growing season **in the case of weeds, or more than once during a calendar year in the case of trash**, in any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county, in the city of St. Louis or in any city, town or village located in a county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the marshal or other designated official may, without further notification, have the weeds [cut down and] **or trash** removed and the cost of the same shall be billed in the manner described in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

4. The provisions of this section shall not apply to any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification where such city establishes its own procedures for abatement of weeds **or trash**, and such city may charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

82.300. 1. Any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county may enact all needful ordinances for preserving order, securing persons or property from violence, danger and destruction, protecting public and private property and for promoting the general interests and ensuring the good government of the city, and for the protection, regulation and orderly government of parks, public grounds and other public property of the city, both within and beyond the corporate limits of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for the breach of any provisions of such ordinances and to punish the violation of such ordinances by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed five hundred dollars nor imprisonment exceed twelve months for any such offense, except as provided in subsection 2 of this section.

2. Any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county which operates a publicly owned treatment works in accordance with an approved pretreatment program [under] **pursuant to** the federal Clean Water Act, 33 U.S.C. 1251, et seq. and chapter 644, RSMo, may enact all necessary ordinances which require compliance by an industrial user with any pretreatment standard or requirement. Such ordinances may authorize injunctive relief or the imposition of a fine of at least one thousand dollars but not more than five thousand dollars per violation for noncompliance with such pretreatment standards or requirements. For any continuing violation, each day of the violation shall be considered a separate offense.

3. Any city with a population of more than four hundred thousand inhabitants may enact all needful ordinances to protect public and private property from illegal and unauthorized dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both such fine and imprisonment.

92.031. 1. Such cities may, in the alternative **to imposing the levies for debt service and for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes as provided for in section 92.030**, elect by ordinance to levy and impose an annual tax for debt service [which tax levy shall be in addition to and independent of the] **and an annual tax [levy]** for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes [provided for] **such as are referred** in subdivisions (1), (2) and (3) of subsection 2 of section 92.030, **which tax levies shall be independent of the other tax levies provided for in section 92.030.**

2. In the event such cities make such election, the **limits on individual and total annual** tax levy rate [for debt service] referred to in subdivisions (1), (2) and (3) of subsection 2 of section 92.030 [shall be treated as zero for the purpose of calculating the additional tax levy rate authorized] **for debt service and** for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes **shall not apply.** [Such authorized] **The tax levy rate for capital improvements and operating expenses for hospital, public health, recreation grounds and museum purposes** may be increased from its current rate to a rate not to exceed one dollar per hundred dollars assessed valuation by submission to and approval by a vote of the people.

100.331. 1. Notwithstanding the provisions of section 100.330 or any other provision of law to the contrary, beginning August 28, 2000, the number of commissioners in any city not within a county shall be five; provided that, by the process of attrition the number of commissioners shall be reduced from fifteen to five by the expiration of the terms of currently serving commissioners and nonreplacement of any vacancies. Commissioners shall be appointed for a term of four years each. All commissioners shall be appointed by the mayor of any such city, shall be taxpayers of the city, and shall have resided in the city for five years immediately prior to their appointment. All vacancies shall be filled by the mayor of the city for the unexpired term, subsequent to the time the number of commissioners is reduced to five by attrition.

2. At any time, the governing body of a city not within a county may adopt a plan of consolidation to combine the planned industrial expansion authority of such city with the land reutilization authority of such city.

137.721. Notwithstanding the provisions of section 137.720, in all counties which become counties of the first classification after September 1, 2000, one percent of all ad valorem taxes

allocable to the county and each taxing authority within the county shall continue to be deducted from taxes collected on the first five hundred million dollars of assessed valuation, and one-half percent collected on the remainder, and deposited in the assessment fund. The one-percent fee shall be assigned among the political subdivisions by the assessor, who shall determine the percentage of total valuation in the county divided into five hundred million dollars. The collector shall retain one percent of that percentage of each political subdivision's property taxes, and one-half percent of the remainder, for the assessment fund.

139.053. 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest on the [entire] amount of [such] property taxes **still** owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

140.110. 1. The collectors of the respective counties shall collect the taxes contained in the back tax book. Any person interested in or the owner of any tract of land or lot contained in the back tax book may redeem the tract of land or town lot, or any part thereof, from the state's lien thereon, by paying to the proper collector the amount of the original taxes, as charged against the tract of land or town lot described in the back tax book together with interest from the day upon which the tax first became delinquent at the rate specified in section 140.100.

2. Any payment for personal [or real] property taxes received by the county collector shall first be applied to any back delinquent personal taxes [and to each individual parcel of real estate] on the back tax book before a county collector accepts any payment for all or any part of [real or] personal property taxes due and assessed on the current tax book.

3. Any payment for real property taxes received by the county collector shall first be applied to back delinquent taxes on the same individual parcel of real estate on the back tax book before a county collector accepts payment for real property taxes due and assessed on the current tax book.

4. Subsection 3 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal

Regulations.

140.160. 1. No proceedings for the sale of land and lots for delinquent taxes[under the provisions of] **pursuant to** this chapter, relating to the collection of delinquent and back taxes and providing for foreclosure sale and redemption of land and lots therefor, shall be valid unless initial proceedings therefor shall be commenced within three years after delinquency of such taxes, and any sale held pursuant to initial proceedings commenced within such period of three years shall be deemed to have been in compliance with the provisions of said law insofar as the time at which such sales are to be had is specified therein; provided further, that in suits or actions to collect delinquent drainage and/or levee assessments on real estate such suits or actions shall be commenced within three years after delinquency, otherwise no suit or action therefor shall be commenced, had or maintained, **except that the three-year limitation described in this subsection shall not be applicable if any written instrument conveys any real estate having a tax-exempt status, if such instrument causes such real estate to again become taxable real property and if such instrument has not been recorded in the office of the recorder in the county in which the real estate has been situated. Such three-year limitation shall only be applicable once the recording of the title has occurred.**

2. In order to enable county and city collectors to be able to collect delinquent and back taxes, the county auditor in all counties having a county auditor shall annually audit and list all delinquent and back taxes and provide a copy of such audit and list to the county collector and to the governing body of the county. A copy of the audit and list may be provided to city collectors within the county at the discretion of the county collector.

141.220. The following words, terms and definitions, when used in sections 141.210 to 141.810, shall have the meanings ascribed to them in this section, except where the text clearly indicates a different meaning:

(1) "Appraiser" shall mean an independent appraiser not an employee of the collector or collection authority;

(2) "Collector" shall mean the collector of the revenue in any county affected by sections 141.210 to 141.810;

(3) "County" shall mean any county of **the first class [one]** in this state **having a charter form of government**, [except counties] **any county** of the first class not having a charter form of government[, which is now operating under the provisions of sections 141.210 to 141.810, or which may hereafter elect to do so in accordance with the provisions of section 141.230] **with a population of at least one hundred fifty thousand but less than one hundred sixty thousand and any county of the first class not having a charter form of government with a population of at least eighty-two thousand but less than eighty-five thousand;**

(4) "Court" shall mean the circuit court of any county affected by sections 141.210 to 141.810;

(5) "Delinquent land tax attorney" shall mean a licensed attorney at law, employed or designated by the collector as hereinafter provided;

(6) "Land taxes" shall mean taxes on real property or real estate and shall include the taxes both on land and the improvements thereon;

(7) "Land trustees" and "land trust" shall mean the land trustees and land trust as the same are created by and described in section 141.700;

(8) "Municipality" shall include any incorporated city or town, or a part thereof, located in whole or in part within a county of class one, which municipality now has or which may hereafter contain a

population of two thousand five hundred inhabitants or more, according to the last preceding federal decennial census;

(9) "Person" shall mean any individual, male or female, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver or trustee appointed by any state or federal court, trustee otherwise created, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(10) "School district", "road district", "water district", "sewer district", "levee district", "drainage district", "special benefit district", "special assessment district", or "park district" shall include those located within a county as such county is described in subdivision (3) of this section;

(11) "Sheriff" and "circuit clerk" shall mean the sheriff and circuit clerk, respectively, of any county affected by sections 141.210 to 141.810;

(12) "Tax bill" as used in sections 141.210 to 141.810 shall represent real estate taxes and the lien thereof, whether general or special, levied and assessed by any taxing authority;

(13) "Tax district" shall mean the state of Missouri and any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, located in any municipality or county as herein described;

(14) "Tax lien" shall mean the lien of any tax bill as defined in subdivision (12) of this section;

(15) "Taxing authority" shall include any governmental, managing, administering or other lawful authority, now or hereafter empowered by law to issue tax bills, the state of Missouri or any county, municipality, school district, road district, water district, sewer district, levee district, drainage district, special benefit district, special assessment district, or park district, affected by sections 141.210 to 141.810.

141.540. 1. In any county [having more than one courthouse] at a certain front door of [which] **whose courthouse** sales of real estate are customarily made by the sheriff under execution, the sheriff shall advertise for sale and sell the respective parcels of real estate ordered sold by him **or her** pursuant to any judgment of foreclosure by any court [under] **pursuant to** sections 141.210 to 141.810 at any of [said] **such** courthouses, but the sale of such parcels of real estate shall be held at the same front door as sales of real estate are customarily made by the sheriff under execution.

2. Such advertisements may include more than one parcel of real estate, and shall be in substantially the following form:

NOTICE OF SHERIFF'S SALE
UNDER JUDGMENT OF
FORECLOSURE OF LIENS FOR
DELINQUENT LAND TAXES

No.....

In the Circuit Court of
County, Missouri.
In the Matter of Foreclosure of Liens
for Delinquent Land Taxes
Collector of Revenue of
County, Missouri,
Plaintiff,
--vs.--

Parcels of Land encumbered with
Delinquent Tax Liens,
Defendants.

WHEREAS, judgment has been rendered against parcels of real estate for taxes, interest, penalties, attorney's fees and costs with the serial numbers of each parcel of real estate, the description thereof, the name of the person appearing in the petition in the suit, and the total amount of the judgment against each such parcel for taxes, interest, penalties, attorney's fees and costs, all as set out in said judgment and described in each case, respectively, as follows: (Here set out the respective serial numbers, descriptions, names and total amounts of each judgment, next above referred to.) and,

WHEREAS, such judgment orders such real estate sold by the undersigned sheriff, to satisfy the total amount of such judgment, including interest, penalties, attorney's fees and costs,

NOW, THEREFORE,

Public Notice is hereby given that I, Sheriff of County, Missouri, will sell such real estate, parcel by parcel, at public auction, to the highest bidder, for cash, between the hours of nine o'clock A.M. and five o'clock P.M., at the front door of the County Courthouse in, Missouri, on, the day of, 19.., and continuing from day to day thereafter, to satisfy the judgment as to each respective parcel of real estate sold. If no acceptable bids are received as to any parcel of real estate, said parcel shall be sold to the Land Trust of (**insert name of County**), Missouri.

Any bid received shall be subject to confirmation by the court.

.....
Sheriff of County,
Missouri.

.....
Delinquent Land Tax Attorney

Address:

First Publication,

[19]20...

3. Such advertisement shall be published four times, once a week, upon the same day of each week during successive weeks prior to the date of such sale, in a daily newspaper of general circulation regularly published in the county, qualified according to law for the publication of public notices and advertisements.

4. In addition to the provisions herein for notice and advertisement of sale, the county collector shall enter upon the property subject to foreclosure of these tax liens and post a written informational notice in any conspicuous location thereon. This notice shall describe the property and advise that it is the subject of delinquent land tax collection proceedings before the circuit court brought pursuant to sections 141.210 to 141.810 and that it may be sold for the payment of delinquent taxes at a sale to be held at [a specific time] **ten o'clock a.m.**, date and place, and shall also contain a file number and the address and phone number of the collector. If the collector chooses to post such notices as authorized by this subsection, such posting must be made not later than the fourteenth day prior to the date of the sale.

5. The collector shall, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the persons named in the petition as being the last known persons in whose names tax bills affecting the

respective parcels of real estate described in said petition were last billed or charged on the books of the collector, or the last known owner of record, if different, and to the addresses of said persons upon said records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any person who, from such records, appears as a successor to the person to whom the original notice was addressed, and to cause another notice to be mailed to such person. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected of any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, or in the event that any name or address does not appear on the records of the collector, then of that fact. The affidavit in addition to the recitals set forth above shall also state reason for the nondelivery of such notice.

6. The collector may, at his **or her** option, concurrently with the beginning of the publication of sale, cause to be prepared and sent by restricted, registered or certified mail with postage prepaid, a brief notice of the date, location, and time of sale of property in foreclosure of tax liens pursuant to sections 141.210 to 141.810, to the mortgagee or security holder, if known, of the respective parcels of real estate described in said petition, and to the addressee of [said] **such** mortgagee or security holder according to the records of the collector. The terms "restricted", "registered" or "certified mail" as used in this section mean mail which carries on the face thereof in a conspicuous place, where it will not be obliterated, the endorsement, "DELIVER TO ADDRESSEE ONLY", and which also requires a return receipt or a statement by the postal authorities that the addressee refused to receive and receipt for such mail. If the notice is returned to the collector by the postal authorities as undeliverable for reasons other than the refusal by the addressee to receive and receipt for the notice as shown by the return receipt, then the collector shall make a search of the records maintained by the county, including those kept by the recorder of deeds, to discern the name and address of any security holder who, from such records, appears as a successor to the security holder to whom the original notice was addressed, and to cause another notice to be mailed to such security holder. The collector shall prepare and file with the circuit clerk prior to confirmation hearings an affidavit reciting to the court any name, address and serial number of the tract of real estate affected by any such notices of sale that are undeliverable because of an addressee's refusal to receive and receipt for the same, or of any notice otherwise nondeliverable by mail, and stating the reason for the nondelivery of such notice.

141.550. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale [under] **pursuant to** this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale [if that] **unless such person has, no later than ten days before the sale date, demonstrated to the satisfaction of the official charged by law with conducting the sale that he or she is not the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months and is not the owner of any parcel of real property with two or more violations of the municipality's building or housing codes. A prospective bidder may make such a demonstration by presenting statements from the appropriate collection and code enforcement officials of the municipality.**

3. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

4. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his **or her** accounts with the county. [He] **The collector** shall give credit in such accounts for all such advances recovered by him **or her**. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale.

[141.550. 1. The sale shall be conducted, the sheriff's return of the sale made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

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3. The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due on the real estate. No person shall be eligible to bid on a parcel at the time of the sale if such person is the owner of any other parcel of real estate in the county which is affected by a delinquent tax bill.

4. Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien on the real estate, if any, of the United States of America.

5. The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in the collector's accounts with the county. The collector shall give credit in such accounts for all such advances recovered by the collector. Such expenses of publication shall be apportioned pro rata among and taxed as costs against

the respective parcels of real estate described in the judgment; provided, however, that none of the costs enumerated in this section, including the costs of publication, shall constitute any lien upon the real estate after such sale.]

141.610. Each **court administrator's or** sheriff's deed given pursuant to the provisions of the land tax collection law shall be presumptive evidence that the suit and all proceedings therein and all proceedings prior thereto from and including assessment of the lands affected thereby and all notices required by law were regular and in accordance with all provisions of the law relating thereto. After two years from the date of the recording of such **court administrator's or** sheriff's deed, the presumption shall be conclusive[, unless at the time that this section takes effect the two-year period since the recording of such sheriff's deed has expired, or less than six months of such period of two years remains unexpired, in which latter case the presumption shall become conclusive six months after] **pursuant to** sections 141.210 to 141.810 [take effect]. **Notwithstanding section 516.010, RSMo**, no suit to set aside or to attack the validity of any such **court administrator's or** sheriff's deed shall be commenced or maintained unless the suit is filed [prior to the time that the presumption becomes conclusive, as aforesaid] **within two years from the date the court administrator's or sheriff's deed is recorded**.

260.210. 1. It is unlawful for any person to:

(1) Dump or deposit, or permit dumping or depositing of any solid wastes onto the surface of the ground or into streams, springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state except in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided[, that, this [provision] **subdivision** shall not prohibit the use or require a permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect the public health, and shall not prohibit the disposal of or require a permit for the disposal by an individual of solid wastes resulting from his **or her** own residential activities on property owned or lawfully occupied by him **or her** when such wastes do not thereby create a public nuisance or adversely affect the public health;

(2) Construct or alter a solid waste processing facility or solid waste disposal area of a solid waste management system without approval from the department;

(3) Conduct any solid waste burning operations in violation of the rules and regulations of the Missouri air conservation commission or the department;

(4) Except as otherwise provided, store, collect, transport, process, or dispose of solid waste in violation of the rules, regulations or orders of the department or in such a manner as to create a public nuisance or adversely affect the public health; or

(5) Refuse entry or access, requested for purposes of inspecting solid waste processing facilities or solid waste disposal areas, to an agent or employee of the department who presents appropriate credentials, or hinder the agent or employee in carrying out the inspection. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction to any such agent or employee for the purpose of enabling him to make such inspection.

2. Information obtained from waste disposed or deposited in violation of this section may be a rebuttable presumption that the person so identified committed the violation of sections 260.200 to 260.345. If the operator or passenger of any vehicle is witnessed by a peace officer or employee of the department of natural resources to have violated the provisions of this section and the identity of the

operator is not determined or otherwise apparent, it may be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation.

3. No person shall be held responsible [under the provisions of] **pursuant to** this section for the dumping or depositing of any solid waste on land owned or lawfully occupied by him **or her** without his **or her** express or implied consent, permission or knowledge.

4. The department shall investigate reports of the dumping or depositing of solid waste or demolition waste in a manner contrary to the requirements of sections 260.200 to 260.345. The department shall immediately issue a cease and desist order if it determines that any person has been or is dumping or depositing solid waste or demolition waste, or has allowed the dumping or disposal of solid waste or demolition waste or has received compensation for same, in a manner contrary to sections 260.200 to 260.345. The department shall order the owner of the property or the person placing solid waste or demolition waste thereon, or both, to remove all solid waste from the premises if it determines that the waste might be reasonably expected to cause a public nuisance or health hazard.

5. The department shall order a site cleaned up pursuant to the provisions of section 260.230, when it determines that the property owner or the operator has accepted remuneration or otherwise benefited financially for placing solid waste or demolition waste in or on the site in contravention of this section. Persons who knowingly haul solid waste or demolition waste to a site which is operating without a permit, persons who operate such a site and persons who own the property where the solid waste or demolition waste is being dumped or deposited shall be jointly and severally liable for cleanup costs and any damage to third parties caused by the dumping or disposing of solid waste or demolition waste on the property if the owner or operator has accepted remuneration or otherwise benefited financially from such disposal. The provisions of sections 260.230 and 260.240, relating to the issuance of orders, shall be applicable to an action [under] **pursuant to** this section. Any person aggrieved by any action of the department [under] **pursuant to** this section may appeal in the manner provided in section 260.235. Any person may bring civil action for actual and exemplary damages against the responsible party if the person has sustained injury due to violations of this section.

6. **Notwithstanding subsection 1 of section 260.250, any solid waste disposal area or solid waste processing facility serving a city with a population of more than four hundred thousand inhabitants may accept yard waste commingled with solid waste that results from an illegal dump cleanup activity or program conducted by the local government of such city pursuant to this section. The local government of such city shall provide certification to the solid waste disposal area or solid waste processing facility that the origin of the yard waste is from the clean up of illegally dumped solid waste.**

7. Any person who engages in building construction, modification or in construction, modification or demolition which produces demolition waste, in types and quantities established by the department, shall dispose of such waste in a demolition or sanitary landfill or other authorized sites as provided by rule. Each such person shall maintain records of sites used for demolition disposal for a period of one year. These records shall be made available to the department upon request.

[7.] **8.** Cities and counties which issue building permits shall reprint the following on each permit or on a separate notice:

"Notice: The disposal of demolition waste is regulated by the department of natural resources [under] **pursuant to** chapter 260, RSMo. Such waste, in types and quantities established by the department, shall be taken to a demolition landfill or a sanitary landfill for disposal."

[8.] **9.** A demolition landfill may accept clean fill, waste resulting from building or demolishing structures and all other waste not required to be placed in a sanitary landfill or a hazardous waste disposal facility for final disposition.

[9.] **10.** Notwithstanding subsection [6] **7** of this section, certain wastes may be disposed of as provided by this subsection:

(1) A person engaged in any activity which produces clean fill may use such material for fill, reclamation or other beneficial purposes on his **or her** own property or on the property of another person with the permission of the owner of such property, provided that such use does not violate any state law or local ordinance or order;

(2) A person engaged in any activity which produces wood waste may reuse or recycle such waste or may dispose of wood waste on the site where generated if such disposal is in compliance with applicable state law or local ordinances or orders;

(3) A person who engages in clearance, trimming or removal of trees, brush or other vegetation may use wood wastes from such activities for beneficial purposes including, but not limited to, firewood, ground cover, erosion control, mulch, compost or cover for wildlife.

Bill

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